

A. G. Contract No. KR88-0345-TRD
ECS File: JPA-88-26
Phoenix File: 55852
Project: I-10-3(224)
Section: I-10 East Tunnel Inlets

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into June 1, 1990,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF PHOENIX, acting by and through its City Council (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 and City Charter Chapter 2, Section 2 to enter
into this agreement and has by resolution, a copy of which is
attached hereto and made a part hereof, resolved to enter into
this agreement and has authorized the undersigned to execute
this agreement on behalf of the City.

3. At the City's request, the State constructed a new
108-inch-diameter storm drain for the City's Squaw Peak Parkway
in conjunction with the State's construction of the I-10 East
Tunnel Inlets. The City has inspected and accepted the storm
drain.

4. The purpose of this agreement is to establish the
parties' responsibilities relative to funding and maintenance
of said 108-inch-diameter storm drain.

NO. <u>14749</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>6/1/90</u>
<u>Jim Sheen</u> Secretary of State
By <u>Denny V. Greenwell</u>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The City shall reimburse the State for actual construction, engineering and administrative costs incurred by the State in constructing the City's portion of the storm drain.

2. The City, at its own expense, shall maintain that portion of the completed storm drain as shown on Exhibit "A" attached hereto and made a part hereof.

3. The State shall invoice the City for actual costs incurred for the City's portion of the project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and payment remitted to State; provided, however, that any provisions herein for maintenance shall be perpetual.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007


City of Phoenix
Street Transportation Department
125 E. Washington Street, 3rd Floor
Phoenix, AZ 85004


7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

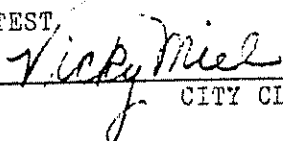
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


CITY OF PHOENIX, a Municipal
Corporation

STATE OF ARIZONA
Department of Transportation

By 
JAMES H. MATTESON
Street Transportation
Director

By 
GARY K. ROBINSON
Chief Deputy State Engineer

2426j
09JAN
ATTEST 
CITY CLERK


1992 MAY 16 PM 3:44
CITY CLERK DEPT.

ECS File: IGA-88-26
Project: ACI-10-3(224)
Section: I-10 East Tunnel Inlets

RESOLUTION

BE IT RESOLVED on this 24th day of May, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the City of Phoenix for construction of a new storm drain in conjunction with the State's construction of the East Tunnel Inlets.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

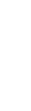


CHARLES L. MILLER, Director
Arizona Department of
Transportation

PHOENIX-CASA GRANDE HIGHWAY
EAST TUNNEL INLETS
MARICOPA COUNTY



LANE N-S



LANE S-N

RAMP S-McDOWELL RD.

BEGIN CITY RESPONSIBILITY

END CITY RESPONSIBILITY

LANE E-W

LANE W-E

TO ACCOMPANY
CHANGE ORDER NO.

SURVIL BEIN STORM DRAIN

CONCRETE PIPE

SECTION

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RESOLUTION NO. 17686

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PURPOSES OF CONSTRUCTING A STORM DRAIN FOR THE SQUAW PEAK PARKWAY; FURTHER AUTHORIZING THE CITY CONTROLLER TO EXPEND FUNDS FOR PURPOSES OF THIS RESOLUTION; AND DECLARING AN EMERGENCY.


BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX,
as follows:

SECTION 1. That the City Manager be and is hereby authorized to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for purposes of this agreement for the construction of a 108 inch storm drain for the Squaw Peak Parkway.

SECTION 2. That the City Controller be and is hereby authorized to expend the necessary funds for this Resolution in the amount of FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) as budgeted in the 1989-90 budget and TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000) for fiscal year 1991-92.

SECTION 3. WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health, and safety, an EMERGENCY is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter, and is hereby exempted from the referendum clause of said Charter.

PASSED by the Council of the City of Phoenix
this 09 day of May, 1990.


MAYOR

ATTEST:

Vicky Miel City Clerk

APPROVED AS TO FORM:

 ACTING
City Attorney

REVIEWED BY:

Frank Venten City Manager

CITY CLERK DEPT.

1990 MAY -9 PM 1:25



JPA 88-26

APPROVAL OF THE CITY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 4th day of May, 1990.

ACTING

City Attorney

154
1979j



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR88-0345-TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29th day of May, 1990.

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath".

James R. Redpath
Assistant Attorney General
Transportation Division